

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GARY LEE BEAVERS,

Plaintiff,

v.

JOHN DOE,

Defendant.

No. 1:24-cv-00942 GSA (PC)

ORDER DISREGARDING APPLICATION  
TO PROCEED IN FORMA PAUPERIS AS  
IMPROPERLY FILED

(ECF No. 2)

ORDER GRANTING APPLICATION TO  
PROCEED IN FORMA PAUPERIS

(ECF No. 5)

ORDER FOR PAYMENT OF INMATE  
FILING FEE

To: Director of the California Department of Corrections and Rehabilitation, 1515 S Street,  
Sacramento, California 95814:

Plaintiff, a state prisoner proceeding in forma pauperis, is obligated to pay the statutory filing fee of \$350.00 for this action. Plaintiff is assessed an initial partial filing fee of 20 percent of the greater of (a) the average monthly deposits to plaintiff's trust account; or (b) the average monthly balance in plaintiff's account for the 6-month period immediately preceding the filing of this action. 28 U.S.C. § 1915(b)(1). Upon payment of that initial partial filing fee, plaintiff will be obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to plaintiff's trust account. The California Department of Corrections and

1 Rehabilitation is required to send to the Clerk of Court the initial partial filing fee and thereafter  
2 payments from plaintiff's prison trust account each time the amount in the account exceeds  
3 \$10.00, until the statutory filing fee of \$350.00 is paid in full. 28 U.S.C. § 1915(b)(2).

4 Good cause appearing therefore, IT IS HEREBY ORDERED that:

5 1. Plaintiff's application to proceed in forma pauperis, docketed August 14, 2024 (ECF  
6 No. 2), is DISREGARDED as improperly filed.

7 2. Plaintiff's application to proceed in forma pauperis, docketed September 5, 2024 (ECF  
8 No. 5), is GRANTED.

9 3. The Director of the California Department of Corrections and Rehabilitation or a  
10 designee shall collect from plaintiff's prison trust account an initial partial filing fee in  
11 accordance with the provisions of 28 U.S.C. § 1915(b)(1) as set forth in this order and shall  
12 forward the amount to the Clerk of Court. The payment shall be clearly identified by the name  
13 and number assigned to this action.

14 4. Thereafter, the Director of the California Department of Corrections and Rehabilitation  
15 or a designee shall collect from plaintiff's prison trust account monthly payments in an amount  
16 equal to twenty percent (20%) of the preceding month's income credited to the prisoner's trust  
17 account and forward payments to the Clerk of Court each time the amount in the account exceeds  
18 \$10.00 in accordance with 28 U.S.C. § 1915(b)(2), until the \$350.00 filing fee for this action has  
19 been paid in full. The payments shall be clearly identified by the name and number assigned to  
20 this action.

21 5. The Clerk of Court is directed to serve a copy of this order and a copy of plaintiff's  
22 signed in forma pauperis affidavit on the Director, California Department of Corrections and  
23 Rehabilitation, via the Court's electronic case filing system (CM/ECF).

24 6. The Clerk of Court is directed to serve a copy of this order on the Financial  
25 Department of the Court.

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27 IT IS SO ORDERED.

28 Dated: October 9, 2024

/s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE

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